



**MONTANA
TEACHERS' RETIREMENT SYSTEM**

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TRS Office Use Only

**EMPLOYER CERTIFICATION TO EMPLOY A
RETIRED MEMBER PURSUANT TO §19-20-732, MCA
(HB 363, Montana 2009 Legislative Session)**

PLEASE TYPE OR PRINT LEGIBLY IN DARK INK

INSTRUCTIONS AND CONDITIONS ON REVERSE SIDE

School District Name

Mailing Address – Including City, State & Zip+4 Code (If unknown, use 5-digit Zip Code)

TRS Six Digit Employer Number

Area Code and Telephone Number

First _____ MI _____ Last _____ Suffix _____
Printed Retired Member's Name Social Security Number

Education Certification(s) Currently Held
By Retired Member & Their Folio ID

Office of Public Instruction Job Assignment
Code(s) for Vacant Position (See [OPI website.](#))

ACKNOWLEDGEMENT/ATTESTATION/CERTIFICATION

By my signature below, I acknowledge that I have read and understand all conditions as stated on the reverse of this form; and I attest that the school district will comply with all applicable terms and conditions for employment of the Teachers' Retirement System (TRS) retired member pursuant to House Bill (HB) 363. I certify under penalty of perjury that the school district advertised the position to be filled by the retired member for the upcoming school year, but was unable to fill the position for the following reason(s):

- ☐ The District has not received any qualified applications; or,
- ☐ The District has not received an acceptance of an offer of employment made to a non-retired teacher, specialist, or administrator.

I have attached the proposed contract to be entered into with the retired member, and certify that it accurately and completely describes the position to be filled by the retired member and provides all other relevant terms and conditions of the proposed employment.

Printed Name of School District Official Completing Form

Title

School District Official Signature

Date

Conditions for Employment of TRS Retirees Pursuant to HB 363

Subject to the following conditions, a TRS member who retires with 30 or more years of creditable service may be re-employed as a teacher, specialist, or administrator by a school district without the loss or interruption of TRS retirement benefits. HB 363 applies *only* to employment with school district employers (defined in §20-6-101, §20-6-701, MCA) and does *not* include state agencies, counties, education cooperatives, the university system, community colleges, or any other employer participating in TRS.

IMPORTANT NOTE: A retired member who enters into an employment contract prior to receiving verification from TRS that they are eligible to be rehired under HB 363 could be contractually bound to provide service as an employee, which, if TRS *denies* eligibility under HB 363, may result in loss or interruption of their retirement benefits during the term of that employment.

Employers

This executed Form 143ER, together with copies of the proposed contract and the Retired Member Application to Return to Work (Form 143), ***must be sent to TRS for verification*** of the retired member's eligibility to return to work. TRS will verify in writing, within 10 days of receipt of the completed forms, whether the retired member is *or is not* eligible to be reemployed under HB 363. TRS will also send copies of Form 143ER and Form 143 to the Office of Public Instruction (OPI).

The school district employer is required to:

- Certify that it advertised the position for the school year but was unable to fill the position because the school district received no qualified applications – or – did not receive an acceptance of an offer of employment made to a non-retired teacher, specialist, or administrator.
- Advertise the position and certify its inability to fill the position ***each year***, prior to entering into a contract with a retired member. This requirement includes re-contracting with the same retired member.
- Contribute to TRS the sum of all employee, employer, and state contribution rates (required under §19-20-602, 604, 605, 607, 608, and 609, MCA) of the salaries paid to retired members working under HB 363. The TRS Online Wage & Contribution Reporting System has been modified to report these retired members and to calculate contributions due. **Note:** all contributions will be paid by the school district employer; no contributions are due from the retired member.

Retired Members hired under this provision:

- Are exempt from the postretirement earnings limits under §19-20-731, MCA and from the 150 day break in service requirement under §19-20-734, MCA. The prohibition regarding pre-arranged agreements (see §19-20-810, MCA) **does apply** to re-employment under HB 363.
- Must have retired with 30 or more years of creditable service with TRS. To verify their years of creditable service, please contact TRS at 406-444-3135, 406-444-3185 or 866-600-4045.
- Must have received at least two monthly retirement benefits. TRS monthly benefits are processed on the last business day of each month; if the retired member terminated in June, they would not be eligible to be reemployed under this provision until September 1, after they have received their July and August retirement benefits.
- May only be employed for a maximum of three years during their lifetime. A year is defined to mean all or any part of a fiscal year (July 1 through June 30).
- Will not accrue additional creditable service or receive any increase to their retirement benefits due to additional service time or increased salary in employment under HB 363.

Please contact TRS if you have any questions. TRS staff can be reached at: 406-444-3135, 406-444-3185 or 866-600-4045.